

IN THE UNITED STATES DISTRICT COURT
FOR THE MIDDLE DISTRICT OF ALABAMA
EASTERN DIVISION

BILLY GAY ALLS, #161 437

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Petitioner,

*

v.

*

3:05-CV-1228-MEF

GWENDOLYN MOSLEY, WARDEN,
et al.,

*

Respondents.

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ORDER ON MOTION

Petitioner requests that the instant habeas corpus petition be stayed. In support of his motion, Petitioner states that he needs to exhaust remedies with regard to matters concerning his indictment. He further states that he will be filing this jurisdictional issue in the Circuit Court for Randolph County, Alabama, based on the decision in *Peterson v. State*, 842 So.2d 734 (Ala. Crim. App. 2002). (Doc. No. 64.)

Upon review of Petitioner's pending motion, as well as a review of the pleadings filed in this case, the undersigned concludes that there is no basis on which to grant the motion. Petitioner's motion to stay the instant petition, therefore, shall be denied.¹

Accordingly, it is

ORDERED that Petitioner's Motion to Stay (Doc. No. 64), be and is hereby DENIED.

¹Petitioner is advised that the court's ruling has no bearing on his ability to return to state court for further post-conviction proceedings if he wishes to pursue additional state remedies.

DONE, this 27th day of June 2007.

/s/ Susan Russ Walker
SUSAN RUSS WALKER
UNITED STATES MAGISTRATE JUDGE